IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6452 OF 2005

The State of Maharashtra ..... Applicant

Versus

Yatin Madhukar Pagar ..... Respondent

Mr. D.P. Adsule, APP for the Applicant.

Mr. N.R. Bubna for the Respondent.

CORAM : A.S. OKA, J.

DATE : 5TH DECEMBER 2006

P.C.

1) Heard learned APP for the State. The acquittal of the Respondent is for the offence punishable under Section 3(i)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) 1989 as well as for the offences punishable under Sections 323 and 504 of the Indian Penal Code.

2) The offence alleged was committed on 29th September 2003 and the F.I.R. was lodged on 4th October 2003.

3) Apart from gross delay in lodging F.I.R.,the

prosecution has failed to prove the Caste Certificate of the complainant which was produced along with charge sheet. The learned Trial Judge has held that the prosecution could not lead convincing evidence as regards the caste of the complainant. Apart from this fact, PW 2 did not support the prosecution on material points. The learned Trial Judge, therefore, granted benefit of doubt to the Respondent. The view taken by the learned trial Judge is certainly a possible view which would have been taken on the basis of evidence on record.

4) No case is made out for grant of leave. Application is rejected.

(A.S. OKA, J.)